

REMARKS-General

1. The newly amended independent claim 21 incorporates all structural limitations of the originally amended claim 21 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All claims 21, 23, 25, 27, 29, 31, 33 and 37 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

2. With regard to the rejection of record based on prior art, Applicant will advance arguments to illustrate the manner in which the invention defined by the newly introduced claims is patentably distinguishable from the prior art of record. Reconsideration of the present application is requested.

Response to Rejection of Claims 21, 22, 25 and 26 under 35USC103

3. The Examiner rejected claims 21, 22, 25 and 26 as being unpatentable over Lunn (US 3,878,838). Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained thought the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

4. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

5. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Lunn which is qualified as prior art of the

instant invention under 35USC102(b) are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

6. The applicant respectfully submits that the differences between the instant invention and Lunn are not obvious under 35USC103(a), due to the following reasons:

(A) Regarding the newly amended claim 21, Lunn fails to anticipate a seat belt massager for detachably fastening on a seat belt, which comprises a massager body, a massaging device supported on the massage portion of the massager body and communicated with the treatment surface in such manner that the massaging device is adapted to effectively deliver massage impulse to an exterior of the massager body through the treatment surface, and a seat belt fastening arrangement, wherein the massager body further has a *receiving pocket* formed on the massage portion, and defining an access opening which communicates the receiving pocket with an exterior of the massage body wherein the massaging device is *completely disposed and substantially protected* in the receiving pocket via the access opening in such a manner that a user is able to selectively switch on and switch off the massaging device from an *exterior* of the receiving pocket *without* physically accessing the massaging device in the receiving pocket through the access opening.

(B) In Lunn, it is disclosed that vibrator (12) is *held* (as opposed to "disposed") by the compartment (14) having a elongated cylindrical shape, wherein two ends portions of the vibrator (12) is protruded *out* of the compartment (14) for a user to switch on or switch off the vibrator (12) for starting and stopping the massaging process (Lunn, Col. 2, Lines 6-13 and Lines 35-42). In other words, the user has *direct access* to the vibrator (12) at two ends portions thereof. Thus, the vibrator (12) is not fully and securely protected by the compartment (14). In the instant invention, however, the massaging device is *completely* disposed within the receiving pocket wherein when the user wishes to operate the massaging device, he or she needs not access the receiving pocket for switching on or off the massaging device. Thus, the massaging device is better protected by the massager body of the instant invention. This is an unexpected result and advantage.

(C) It seems from the disclosure in Lunn that when the vibrator (12) is turned on, vibration is transmitted from the vibrator (12) to the user through a plurality of **physical layers**, such as the compartment (14), the strap (16), the seat belt (18), and the rigid planer shaped stay (32) (Lunn, Fig. 1 and Fig. 2). This can also be suggested by the structural limitation disclosed in Lunn that the stay (32) is secured in the **inner portion (24)** of the strap (16) in Fig. 1 of Lunn's patent. In the instant invention, the vibration is transmitted from the massaging device to the user through the treatment surface and the seat belt (i.e. one layer of physical materials apart from the seat belt).

(D) The examiner is of the view that it would have been obvious to one having ordinary skill in the art to modify Lunn to use hook and loop fastener instead of the snap fastener as taught by Lunn in order to produce the instant invention. The applicant would like to point out that hoop fastener and loop fastener are only claimed in the amended claim 25, *but not* in independent claim 21. As a result, the applicant respectfully submits that the examiner fails to identify the differences between the instant invention as claimed in the *amended independent claim 21* and Lunn as a basis of rejection under 35USC103(a) because of the reasons mentioned in Paragraphs 3-5 above.

(E) In other words, In any case, even modifying Lunn as suggested by the examiner would not provide the invention as claimed -- a clear indicia of nonobviousness. *Ex parte Schwartz*, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992), ("Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed."). That is, modifying Lunn with a hoop and loop fastener, as proposed by the Examiner, would not provide the instant invention simply because there exist structural differences between the instant invention as claimed in the newly amended independent claim 21 and Lunn, as detailed in Paragraphs (A)-(D) above.

(F) Regarding claim 25, Lunn fails to anticipate that the connecting means of the seat belt fastener comprises a loop fastener and a hoop fastener affixed on the two ends portions of the two fastening straps respectively, and are adapted to overlappedly, adjustably and detachably fasten with each other so as to define the connecting loop for the seat belt passing therethrough, in addition to what is claimed in the newly amended independent claim 21 as a whole.

7. The Examiner rejected claims 22-24 and 26-30 as being unpatentable over Lunn (US 3,878,838) in view of Sears (US 4,846,157). The applicant respectfully submits that the differences between the instant invention and Lunn are not obvious in view of Sears under 35USC103(a), due to the following reasons:

(G) Regarding claim 23, Lunn and Sears fail to anticipate that the massager device comprises a massage generating unit comprising a driving motor and a massage actuator centrifugally mounted thereto in such a manner that the massage actuator is adapted to be driven to rotate centrifugally by the driving motor so as to generate a massage impulse towards the treatment surface which communicates with a user's body, in addition to what is claimed in the newly amended independent claim 21 as a whole.

8. The Examiner rejected claims 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 37 and 38 as being unpatentable over Lunn (US 3,878,838) in view of Hajianpour (US 5,575,761). The applicant respectfully submits that the differences between the instant invention and Lunn are not obvious in view of Hajianpour under 35USC103(a), due to the following reasons:

(H) Regarding claim 23, Lunn and Hajianpour fail to anticipate that the massager device comprises a massage generating unit comprising a driving motor and a massage actuator centrifugally mounted thereto in such a manner that the massage actuator is adapted to be driven to rotate centrifugally by the driving motor so as to generate a massage impulse towards the treatment surface which communicates with a user's body, in addition to what is claimed in the newly amended independent claim 21 as a whole.

(I) Regarding claim 27, Lunn and Hajianpour fail to anticipate that the connecting means of the seat belt fastener comprises a loop fastener and a hoop fastener affixed on the two ends portions of the two fastening straps respectively, and are adapted to overlappedly, adjustably and detachably fasten with each other so as to define the connecting loop for the seat belt passing therethrough, in addition to what is claimed in the newly amended independent claim 21 as a whole.

(J) Regarding claim 29, Lunn and Hajianpour fail to anticipate that the massager device further comprises a power supply disposed in the receiving pocket and electrically connected with the massage generating unit of the massage device for

providing electrical power thereto, wherein the power supply comprises a battery holder securely mounted in the receiving pocket for receiving at least one battery therein for providing the electrical power, in addition to what is claimed in the newly amended independent claim 21 as a whole.

(K) Regarding claim 31, Lunn and Hajianpour fail to anticipate that the massager device further comprises a control switch electrically connected between the power supply and the massage generating unit for switching the massage generating unit to operate at a predetermined level, and is arranged to be access by a user through the access opening for replacement of the battery, in addition to what is claimed in the newly amended independent claim 21 as a whole.

(L) Regarding claim 33, Lunn and Hajianpour fail to anticipate that the massager body further comprises a flipping cover movably provided thereon for normally and overlappedly covering the receiving pocket so as to hide the massager device from being directly exposed to an exterior of the massager body, in addition to what is claimed in the newly amended independent claim 21 as a whole.

(M) Regarding claim 37, Lunn and Hajianpour fail to anticipate that the massager body is fabricated by fabric materials which is sufficiently flexible for effectively transmitting the massaging impulse from the massage generating unit to the user via the treatment surface while maximizing a comfort of the seat belt massager to the user, in addition to what is claimed in the newly amended independent claim 21 as a whole.

The Cited but Non-Applied References

9. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

10. A fee in an amount of US\$405.00 is submitted herewith to pay the fee for Request for Continued Examination (RCE). This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 502111.

11. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 21, 23, 25, 27, 29, 31, 33 and 37 at an early date is solicited.

12. Should the examiner believes that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 01/19/2008

Signature: 
Person Signing: Raymond Y. Chan